

REMARKS

This application has been carefully reviewed in light of the Office Action mailed April 15, 2005. Claims 1-28 are pending in the Application. Applicants respectfully request reconsideration and favorable action of all pending claims in view of the following remarks.

Section 102 Rejections

Claims 16-19 and 27-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0166813 to Mann et al ("*Mann*"). Applicants respectfully traverse at least because *Mann* is not prior art to the present application. The present application was filed on December 21, 2001, which predates *Mann*'s filing date of February 25, 2002. The M.P.E.P. is clear that the PTO cannot rely on the foreign application priority date to which *Mann* claims priority (the GB filing on February 23, 2001). See M.P.E.P. § 2136.03 ("Reference's Foreign Priority Date Under 35 U.S.C. (119(a)-(d) and (f) Cannot Be Used as the 35 U.S.C. 102(e) Reference Date.") For at least this reason, Claims 16-19 and 27-28 are allowable. Reconsideration and favorable action are requested.

Claims 1-2, 4-15, 20-26 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,201,451 to Hata ("*Hata*"). Claim 3 is indicated to be rejected in the Office Action Summary, and page 3 of the Office Action states "[a]s per claim 3 *Hata* inherently teaches wherein said transmitter section includes . . .," but the body of the Office Action does not state that Claim 3 is rejected. Applicants respectfully traverse.

With respect to independent Claims 7 and 16, Applicants respectfully submit that the rejection is improper at least because the rejection does not contend that the limitations of Claim 7 and 16 are met, nor does it identify anywhere in the reference where the limitations of these claims are shown. Rather, the Office Action merely states that Claims 1, 7, 20, and 23 are anticipated, and addresses limitations in Claim 1, but not limitations of Claims 7 and 23. In any event, Claim 7 is allowable at least because the cited reference does not disclose a digital-to-analog converter section that converts a digital signal having a plurality of successive states into an analog signal and that generates for each of the states of the digital signal a respective corresponding analog pulse that has a duration less than the duration of the corresponding state. In addressing the limitations of Claim 6, the Office Action refers to

element 4 of Figure 1 and col. 9, lines 25-42 and 55-65 as allegedly teaching the generation of respective corresponding analog pulses that have durations less than the duration of a corresponding state, but that is simply incorrect. Those portions of the references do not show the above-identified limitation. Rather, those portions refer to a pulse generator and the operation of the bi-directional shift register of Figure 1, which clearly do not meet the claimed digital-to-analog converter that generates the claimed analog pulses. For at least this reason, Claim 7 is allowable, as are the claims depending therefrom. Claim 23 is allowable for reasons analogous to those provided with respect to Claim 7, as are the claims depending therefrom. Favorable action is requested.

Claim 1 is allowable at least because the cited reference does not show a phase shift section that produces a first adjusted signal by imparting to a first analog signal a phase shift that is substantially equal and opposite to a first phase shift associated with a digital signal from which the analog signal was generated or that produces a second adjusted signal by imparting to a second analog signal a phase shift that is substantially equal and opposite to a second phase shift associated with a digital signal from which the second analog signal was generated, where the first phase shift is different from the second phase shift. Rather, *Hata* involves a phase shifter that produces a phase shift of $\pi/2$ in the signal produced by oscillator 7, but not first and second phase shifts in respective analog signals that are equal and opposite to phase shifts associated with digital signals from which the analog signals were generated and that are different from each other. Clearly, the phase shifter 8 in *Hata* that produces a phase shift of $\pi/2$ does not also produce a phase shift that is different from $\pi/2$, nor does it produce phase shifts in signals other than those received from the first oscillator, which are not the claimed first and second analog signals generated from respective digital signals.

In rejecting this portion of Claim 1, the Office Action refers to col. 3, lines 23-30, col. 4, lines 43-55, and col. 6, lines 1-5. But none of these passages disclose the above-identified language. Rather, each of these passages confirms that the signal whose phase is shifted by $\pi/2$ is merely the signal produced by oscillator 7, as shown in Figure 1, which clearly does not meet the claim language. For at least this reason, Claim 1 is allowable, as are the claims depending therefrom. Claim 20 is allowable for analogous reasons, as are the claims depending therefrom. Reconsideration and favorable action are requested.

CONCLUSION

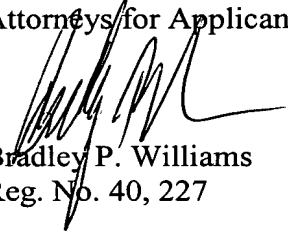
Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicants respectfully request allowance of all pending claims.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214-953-6447.

Applicants do not believe that any fees are due. However, the Commissioner is hereby authorized to charge any required fees and credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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